

FACT SHEET - #13

SUBJECT: Feigning Surrender as a Tactic

1. **PURPOSE.** To provide commanders with information on responses to feigning surrender as a tactic.

2. **FACTS.**

a. Feigning surrender as a tactic is a ruse specifically prohibited by the law of war (LOW) (Hague Convention). Accordingly, U.S. soldiers will not feign surrender and will identify and report enemy soldiers who do.

b. The LOW does not prohibit legitimate ruses, such as ambushes and the use of tactical deception. Only trickery that abuses the LOW is prohibited.

c. Enemy soldiers who feign surrender and then fire on U.S. or allied forces or attempt to escape capture by use of feigned surrender may be fired upon in accordance with normal rules of engagement applicable to enemy contact. While soldiers may be wary of subsequent enemy surrender attempts, they may not be instructed to ignore such attempts. Although an enemy soldier may have violated the LOW, once captured, he must be treated as an enemy prisoner of war. Enemy personnel who violate the LOW, and then surrender, should be processed according to unit SOPs. ("Five Ss" - Search, Segregate, Silence, Safeguard, and Speed to the rear.) Identify and report LOW violators.

d. U.S. soldiers who violate the LOW are subject to prosecution under the UCMJ. Enemy soldiers who violate the LOW will generally be prosecuted for war crimes specifically rather than for a violation of the UCMJ.

e. Soldiers who suspect that U.S. or enemy personnel have violated the LOW should report such information through channels to the commander. LOW violations may also be reported to chaplains, Inspectors General, judge advocates, and military police.

3. Advice and support for LOW training can be obtained by contacting the Unit Trial Counsel.

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